

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FAUSTO PAZ,  
  
Defendant.

CASE NO. CR20-0217-JCC-6  
  
ORDER

This matter comes before the Court on the parties' stipulated motion to amend the judgment (Dkt. No. 332). For the reasons described below, the motion is GRANTED.

On December 2, 2021, Defendant pled guilty to Conspiracy to Distribute Controlled Substances, a lesser-included offense of Count 1 of the Superseding Indictment. (Dkt. No. 279.) Pursuant to the plea agreement between the parties, the Government agreed to move for dismissal of the remaining counts upon sentencing. (*See* Dkt. No. 281 at 9.) On March 8, 2022, the Court sentenced the defendant based on his guilty plea to Count 1, consistent with this agreement. (*See* Dkt. No. 325, 326.) But the judgment as entered failed reflect the requested dismissal of the remaining counts, although that "was the intent of all parties." (Dkt. No. 332 at 1.)

At any time, the Court may "correct a clerical error in a judgment, order, or other part of the record . . . arising from oversight or omission." Fed. R. Crim. P. 36. The Court finds that the

1 omission of a dismissal of the remaining counts against Defendant was a clerical error requiring  
2 amendment to “conform the sentence to the term which the record indicates was intended.”

3 *United States v. Kyle*, 734 F.3d 956, 962 (9th Cir. 2013)

4 Accordingly, the Court GRANTS the parties’ motion (Dkt. No. 332) and DIRECTS the  
5 Clerk of the Court to enter the amended judgment reflecting dismissal of Count 2 against  
6 Defendant, as proposed by the parties. (*See* Dkt. No. 332-2).

7 DATED this 13th day of April 2022.

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11 John C. Coughenour  
12 UNITED STATES DISTRICT JUDGE  
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